



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER	
OPR:43	
EFFECTIVE DATE: 06/24/2013	ORIGINAL ISSUED ON: 11/13/2002
REVISION NO: 3	

**SUBJECT: AMBER ALERT / SILVER ALERT/ ENDANGERED PERSON
ADVISORY**

1.0 PURPOSE

The purpose of this policy is to establish guidelines for the implementation of AMBER Alerts, SILVER Alerts, and endangered missing person advisories.

2.0 POLICY

It is the policy of the Department of Public Safety (DPS) to participate in the AMBER Alert, a resource available to assist law enforcement agencies with the hopeful recovery of abducted children. DPS will participate in the SILVER Alert to address missing endangered adults meeting criteria specific to this alert. DPS will issue endangered person advisories as necessary. DPS is committed to assisting other law enforcement agencies in the State of New Mexico with AMBER or SILVER Alert situations and other endangered person advisories that arise. This policy provides guidelines for the issuance of an AMBER or SILVER Alert and endangered person advisories.

3.0 APPLICABILITY

This policy applies to all DPS employees.

4.0 REFERENCES

- A. AMBER Alert, New Mexico Broadcasters Association, Revision "E"
- B. CALEA Standards Chapter 41 – Patrol
- C. Chapter 29 Article 15 NMSA 1978; "Missing Persons Information and Reporting Act"; SILVER Alert Advisory,
- D. Chapter 29 Article 15A NMSA 1978; "AMBER Alert Law"
- E. PROTECT Act of 2003; "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today"

5.0 DEFINITIONS

- A. **Authorized Requestor** - Normally the Public Information Officer or the Chiefs authorized user of the EAS, Headquarters Duty Officer.
- B. **Duty Officer** – A command staff officer on call for the State Police division "Headquarters Duty Officer".
- C. **Emergency Alert System (EAS)** – A national warning system in the US, which allows for an immediate distribution of information.
- D. **Missing Person** – A person whose whereabouts are unknown to the persons custodian or immediate family member and the circumstances of whose absence

Clarification
added.

indicate that the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law or the person voluntarily left the care and control of his custodian without the custodian's consent and without intent to return.

- E. Public Information Officer (PIO)** – Department of Public Safety or State Police Information Officer, which provides a central point for information to be gathered and disseminated on an event.

6.0 PROCEDURE

- A.** AMBER Alerts will enhance services and increase coordination of services for missing and exploited children and their families.

1. General Guidelines

- a. The child must be **seventeen (17) years of age or less**.
- b. Specific information concerning the **child and or abductor** should be available; Criteria for an abductor is not limited to an unrelated person or stranger and may include a parent or other family member.
- c. There should be no doubt to believe that the child is in **imminent danger of serious bodily harm or death**.

2. DPS commissioned officers/agents taking a missing person report of a child meeting the Amber Alert guidelines outlined above **shall** immediately request the entry of the missing/endangered child information into the New Mexico Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) missing person file. Refer to policy *OPR: 50 Missing Persons Investigations* for more information.

Clarification added.

3. Operational Guidelines for AMBER Alerts

a. Intradepartmental Activation Procedures

- i. An authorized requestor will contact KKOB Radio via telephone at the following numbers 1(505) 767-6770 or 1(505) 767-9189.
- ii. A statement will be recorded for broadcast following the gathering of information on *Attachment A: AMBER Alert Report Form*. This form will assist in preparation of a statement.
- iii. KKOB Radio will request the name and "code" from the requestor, confirming the validity of the AMBER Alert request.
- iv. Enter the missing child's information and other critical data elements into the National Crime and Information Center (NCIC).
- v. Nothing in this policy shall prohibit officials at the district or headquarters level from utilizing any other available resource, including, but not limited to the Radio Communications Bureau, of the General Services Department, the State Highway and Transportation Department, HAM/Shortwave Radio Operations, Emergency Alert System (EAS).

b. Activation Procedures for other Law Enforcement Agencies

- i. An agency other than the DPS, investigating child abduction, may request the issuance of an AMBER Alert through our agency.
- ii. The agency representative of the agency requesting an AMBER Alert shall be referred to the PIO or Headquarters Duty Officer. The Authorized Requestor will determine if the criteria for an AMBER Alert are met and if the request is valid.

4. Deactivation Procedures for all AMBER Alerts

Only the Authorized Requestor may determine the validity of a request to terminate an active AMBER Alert. They will consider the following when making that determination:

- a. If the child has been located and confirmed safe, then the NCIC entry will be removed.
- b. The Authorized Requestor and the investigating agency are the only personnel who can cancel an AMBER Alert after an **eight (8) hour period**.

NOTE: DPS authorization to participate may be withdrawn if these guidelines/procedures are violated.

B. A SILVER Alert Advisory shall be issued after review and investigation of a missing person report of a person meeting SILVER Alert guidelines. After an independent determination has been made that the missing person is a person subject to the alert, a notification relating to a SILVER Alert will be made.

1. General Guidelines for a SILVER Alert

- a. The individual is a **missing person** whose whereabouts are unknown to the person's custodian or immediate family member.
- b. The individual is fifty (50) years or older.
- c. There is clear indication that the individual has an irreversible deterioration of intellectual faculties such as Alzheimer's disease, dementia or another degenerative brain disorder or a brain injury.

2. DPS commissioned officers/agents taking a missing person report of a person meeting the Silver Alert guidelines outlined above **shall** immediately request the entry of the missing/endangered person information into the New Mexico Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) missing person file. Refer to policy *OPR: 50 Missing Persons Investigations* for more information.

3. Operational Guidelines for SILVER Alerts

- a. Intradepartmental Activation Procedures
 - i. An authorized requestor will contact KKOB Radio via telephone at the following numbers 1(505) 767-6770 or 1(505) 767-9189.

Clarification
added.

- ii. A statement will be recorded for broadcast following the gathering of information on Attachment B: SILVER Alert Report Form. The form will assist in preparation of a statement.
 - iii. KKOBB Radio will request the name and “code” from the requestor, confirming the validity of the SILVER Alert request.
 - iv. Entry of the missing person’s information and other critical data elements into the National Crime and Information Center (NCIC).
 - v. Nothing in this policy shall prohibit officials at the district or headquarters level from utilizing any other available resource, including, but not limited to the Radio Communications Bureau, of the General Services Department, the State Highway and Transportation Department, HAM/Shortwave Radio Operations, Emergency Alert System (EAS).
- b. Activation Procedures for other Law Enforcement Agencies
- i. An agency other than the DPS, investigating an endangered missing person report, may request the issuance of a SILVER Alert through our agency.
 - ii. The agency representative of the agency requesting a SILVER Alert shall be referred to the PIO or Headquarters Duty Officer. The Authorized Requestor will determine if the criteria for a SILVER Alert are met and if the request is valid.

4. Deactivation Procedures for SILVER Alerts

Only the Authorized Requestor may determine the validity of a request to terminate an active SILVER Alert and will consider the following to make that determination;

- a. If the missing person has been located and confirmed safe, then the NCIC entry will be removed.
- b. The Authorized Requestor and the investigating agency are the only personnel who can cancel a SILVER Alert after an **eight (8) hour period**.

C. An Endangered Person Advisory includes DPS procedures utilized for disseminating, as rapidly as possible, information about an endangered person. An endangered person advisory will be issued in the event a person is determined to be missing under unexplained or suspicious circumstances or deemed to be an endangered person/child.

1. General guidelines for an Endangered Person Advisory.

Endangered or “at risk” persons are those who meet or when one or more of the following exist:

- a. A missing child 13 years of age or younger (National Child Search Assistance Act).
- b. Out of the safety zone for his/her age, developmental stage, or mental and physical condition.
- c. Diminished mental capacity or suicidal tendencies.

Clarification
added.

- d. Drug dependent requires life or health sustaining medications.
- e. A potential victim of foul play or sexual exploitation.
- f. In a life-threatening situation.
- g. Absent from home for more than 24 hours before being reported to law enforcement as missing.
- h. Believed to be with others who could endanger his/her welfare.
- i. Is absent under circumstances inconsistent with established patterns of behavior.

2. DPS commissioned officers/agents taking a missing person report of a person meeting endangered missing person guidelines outlined above **shall** immediately request the entry of the missing/endangered person information into the New Mexico Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) missing person file. Refer to policy *OPR: 50 Missing Persons Investigations* for more information.

3. DPS commissioned officers shall consider if there is information that may be beneficial to the public to assist in locating the endangered missing person.

4. Notification of an endangered missing person investigation shall be provided to the DPS headquarters clearinghouse staff through the appropriate chain-of-command. After normal working hours, the on-call duty officer shall be contacted to provide detailed information on the missing/endangered person investigation.

5. The DPS and State Police PIO shall be contacted to coordinate the issuance of an Endangered Persons Advisory. The PIO or district commander should be consulted prior to any information being released to the media concerning the missing/endangered person.

D. *Attachment C: Endangered Person Advisory Report Form* **shall** be filled out in its entirety and provided to the DPS Clearinghouse Coordinator (LERB) in every instance where an Amber Alert, a Silver Alert or an Endangered Person Advisory is required.

7.0 ATTACHMENTS

A. AMBER Alert Report Form

B. SILVER Alert Report Form

C. Endangered Person Advisory Report Form

8.0 APPROVAL

APPROVED BY: s/ Gorden E. Eden Jr.
DPS Cabinet Secretary

DATE: June 24, 2013